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Attorneys for Defendants, Dineen

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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JOY MASON as the	:DOCKET NO. 2:11-CV-1176-SRC
Administratrix of the Estate	
of GERMINE FORRESTER and JOY	:
MASON, individually,	:
	:
Plaintiff,	:
	:
vs.	:
	:
JOHN DINEEN, ROBERT DINEEN,	:
JR. and MAY RYAN, LLC. doing	:
business as MICHAEL ANTHONY'S	:
RESTAURANT,	:
	:
Defendants.	:

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CIVIL ACTION - ANSWER AND CROSSCLAIM

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Defendants, Dineen, by way of Answer, say:

NATURE OF ACTION

1. These defendants are without sufficient knowledge to form a belief as to the truth or falsity of the allegations of paragraph 1.

JURISDICTION AND VENUE

1. These defendants are without sufficient knowledge to form a belief as to the truth or falsity of the allegations of paragraphs 2 and 3.

PARTIES

1. These defendants are without sufficient knowledge to form

a belief as to the truth or falsity of the allegations of paragraphs 4, 5, 9, 10, 11, 12 and 13.

2. These defendants admit the allegations of paragraphs 6, 7 and 8.

#### BACKGROUND

1. These defendants admit the allegations of paragraph 14.

2. These defendants are without sufficient knowledge to form a belief as to the truth or falsity of the allegations of paragraphs 15, 16, 18, 19 and 20.

3. These defendants deny the allegations of paragraph 17.

#### FIRST COUNT

1. These defendants repeat each of the answers to the allegations of paragraphs 1 through 20 as if set forth at length herein.

2. These defendants are without sufficient knowledge to form a belief as to the truth or falsity of the allegations of paragraphs 22, 23 and 24.

#### SECOND COUNT

1. These defendants repeat each of the answers to the previous allegations as if set forth at length herein.

2. These defendants deny the allegations of paragraphs 26 and 27.

3. These defendants are without sufficient knowledge to form a belief as to the truth or falsity of the allegations of paragraphs 28 and 29.

#### THIRD COUNT

1. These defendants repeat each of the answers to the

previous allegations as if set forth at length herein.

2. These defendants are without sufficient knowledge to form a belief as to the truth or falsity of the allegations of paragraphs 31, 32 and 33.

WHEREFORE, plaintiff is not entitled to recover in this action.

**FIRST AFFIRMATIVE DEFENSE**

Defendants were guilty of no negligence.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff was guilty of comparative negligence and therefore is barred from recovering damages to the extent of said negligence.

**THIRD AFFIRMATIVE DEFENSE**

The injuries, losses and damages allegedly sustained by the plaintiff were the result of the negligence of a third party over whom these defendants had no control.

**FOURTH AFFIRMATIVE DEFENSE**

Defendants are exempt from liability by virtue of N.J.S.A. 39:6A-1 et seq. and therefore plaintiff is not entitled to recovery.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff was guilty of negligence to a degree in excess of his pro rata share as same relates to all Joint Tortfeasors.

**SIXTH AFFIRMATIVE DEFENSE**

Defendants are immune from suit pursuant to N.J.S.A. 39:6A-8.

**CLAIM FOR CONTRIBUTION**

These defendants demand contribution from the defendant, May Ryan, LLC, in accordance with the Comparative Negligence Act


N.J.S.A. 2A:15-5.1 et seq. and the Joint Tortfeasors Contribution Law N.J.S.A. 2A:53A-1 et seq.

JURY DEMAND

Demand is hereby made for trial by jury on all issues.

DESIGNATION OF TRIAL COUNSEL

Thomas W. Matthews is hereby designated as trial counsel for the defendants, Dineen.

  
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THOMAS W. MATTHEWS

DATED: March 16, 2011


CERTIFICATION

I certify this pleading was served within the time period allowed.

I certify a copy of this pleading was electronically sent to all counsel of record on March 16, 2011.

I hereby certify that based upon information currently available that this matter in controversy is not the subject of any other action pending in any court or of a binding arbitration proceeding, nor is any such proceeding currently contemplated. At the present time, there are no other parties that should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future.

  
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THOMAS W. MATTHEWS

DATED: March 16, 2011